from where I stood today in Manchester at the City Hall, and I'm looking at a steeple, so I'm assuming there's a church right under the steeple. And if I'm -- if there happens to be a funeral going on inside that place, I'm going to have to do something to figure out whether I'm within 300 feet of it, or I'm also crosswise with this ordinance.

All I'm saying is is that there's jeopardy, especially when you couple it with the way these municipalities were behaving.

Q Now, so -- just so I'm clear, you're saying that just the mere fact that a municipality had an ordinance like this on their books was sufficient to stop you from doing any further planning for a funeral event protest in that municipality?

A Exactly.

Q And that was based --

A I'm not --

Q I'm sorry, let me ask my question.

A Yes.

Q And that was based on your perception of the attitude in the municipality, based on the fact -- just the fact that the ordinance was on the books, correct?

A My -- it's based on the fact that they went to the extra length to add an ordinance, and based upon how

PLAINTIFF'S EXHIBIT G

the municipalities were behaving in a similar fashion; coming at us with a common scheme to violate our right to stand there.

And I'm not interested in being their guinea pig. I'm not interested in being experimented with; having my liberties experimented with or my children's welfare experimented with.

Q Now, you learned of the adoption of the original ordinance by Manchester at some point after it passed?

A Yes.

Q Do you have any recollection as far as when that might be?

A I have to believe it was about the time when I learned that God sent the shooter, when you got these people that just have these adulteries everywhere, and jealousy being the rage of a man, so sayeth our God, that guy ends up killing the woman. He killed the woman and he killed himself.

Q You're talking about Frank Kavano killing?

A It was in January of '09. It was about a year ago.

MR. REID: Go ahead and mark that, please.

(Deposition Exhibit No. 2 was marked by the court reporter.)

Q Ms. Phelps-Roper, I'm handing you what's been marked by the court reporter as Exhibit 2, and I'll represent to you there are numbers on the bottom of the pages, and those were present on those pages when those were produced to us in this litigation by your counsel.

A Okay.

Q Do you recall seeing this document before?

A Yes.

Q And this is -- well, please take a look at it and tell me if this is the event that you were talking about in terms of there being a shooter.

A Yes.

Q And so it's your understanding that you learned of the existence of the Manchester ordinance around this time?

A Yes.

Q And this article is dated January 13th of 2009?

A Yes.

Q Is that right?

A That's correct.

MR. ROTHERT: Excuse me. Would you be sure to speak up --

THE WITNESS: Yes.

MR. ROTHERT: -- you're being faintant.

THE WITNESS: Sorry.

MR. ROTHERT: Thank you.

might just call this the contact letter, and it generally follows this pattern, except that I believe in Missouri along the way if it related to a funeral, we had to start putting in extra language and extra pages to try to encourage the local law enforcement to obey the Supreme Court about the language before or about, but otherwise, this has been the letter.

Q Now, if I could direct your attention to the large paragraph that's below the listed pickets.

A Yes.

Q And it says in part in the second sentence, and correct me if I'm reading this incorrectly.

"Our experience over the years indicates that sometimes people who oppose our message are tempted to try violence to silence it."

A Yes.

Q And can you relate to me your experiences with having to face violent conduct when you're picketing on behalf of Westboro?

A When I'm picketing?

Q Yes.

A Okay. Well, that is a huge question. You know we've been on these streets every single day for 19 years; what do you want me to do here, tell you --

Q Well, let me start this. I'm correct in understanding that you have faced violent conduct when picketing on behalf of Westboro Baptist Church, is that correct?

A Yes.

Q And have you been physically assaulted?

A Me personally?

Q Yes.

A Well, I've been spit on, is that physically assaulted?

Q I would think so.

Have you witnessed physical assaults on other members of pickets that you've been a part of?

A Well, I saw the aftermath of the Vintage event in Topeka, and that group of eight that were taken to the hospital.

Q Could you explain -- explain that to me, I'm not familiar with that.

A That was where a gentleman, a lawyer, had a restaurant, and he had a woman working for him that was involved in the Mayor's task force on gay and lesbian, blah, blah, and so she was -- she was having a pivotal part, and the effort was to get homosexual conduct added to the protected classes for certain things in a Topeka ordinance, and it was 14 or 15 years ago -- no, I'm sorry -- Grace is -- it's coming up on 17 years ago.

Grace was a baby, she just turned 17; 17 years ago in March.

And we -- so we started one time a week having a -- like a informational protest at that restaurant. She was using her, I work here; she was making -- she was using her -- it was her part of what she brings to the table, and for credibility purposes, this Vintage Restaurant, and so we protested there once a week, and we had done that a couple -- couple weeks when the man who owns it, who is a lawyer that I know, we knew, lawyer members in my family, and had for years, and he came out with some of his -- he also owns a strip club in the county, and he came out with some of his hench thugs to one of our protests, and on video made some very, you know, he threatened us. And we even went down -- look, there's a lot of words on that video, and he in no question was threatening us.

And so another week passed, and when we went out there, here comes a string of drugged, drunken bouncers, big thugs, out and commenced to beating on people. And that's probably -- that was probably the worst event.

And between those two, on pickets, you understand -- you've limited it to pickets?

Q Yes.

A There's been people throw things; they --

Q What sort of things?
A Drinks. Everything. I don't know where to begin and end; medical equipment, a clamp one day was -- landed at my feet; wallpaper rolls, you know, milk, lipstick. Everything. It's like anything they can get their hands on. Anything and everything over the years, I've seen. Food. Okay.
And then brandishing guns out their windows. Drive their cars towards us. But those are limited, and they are always really nonexistent, except for one incident that I can remember.
When there is any presence of law enforcement, any presence, doesn't have to be a big presence, if there's a police officer standing there, generally people refrain from criminal conduct.
Q Now, turning your attention back to the letter you write in the -- not you, Ms. Phelps-Davis writes, that we have found it helpful in keeping the peace and ensuring the members are safe from attack for us to have skilled photographers and video reporters at each of our pickets. Did I read that correctly?
A You did.
Q And is that a true statement?
A It is.
Q And can you explain what that entails? Do you

There's a reason that this city, when we didn't ever come to their city, we didn't say we were going to come to their city, just out of the blue passed an ordinance and targeted us and admitted that they targeted us.

Look, this could go away if they just would go obey the law.

Q Now, I want to get back to my original question.

A Okay.

Q And I think that you've answered it, but I want to be clear because there have been a couple of -- of -- I'm not --

A Trails?

Q Yes.

A Hokey-doke.

Q I'm correct that --

A They're good trails though.

Q I understand from your perspective that they're good trails.

A No, this law has not been applied to us.

Q And based on the text of the law, as you see it here, it could be applied equally if I went and protested, as if you went and protested, isn't that right?

A It could be.

Q Now, if you would turn, please, to page 4 of 7.

A Alice lives over there in that land though.

Q If you look at Paragraph 12, and your understanding is that, and it says here in your affidavit, that this provision in Paragraph 12 is the second version of the ordinance, of the September 21 version to the ordinance?

A Oh, that's really funny; we both have a reminder to pick up children from school. Okay. Sorry.

Q That's quite all right.

Paragraph 12, and you say in this that this is the version of the -- second version of the ordinance, is that correct, your understanding?

A That's correct.

Q And my question to you is, again, the same as with the original ordinance, what in, if anything, in the Texas ordinance refers to you, your message, to Westboro, is there anything?

A Well, there's a little less than subtle dig in the opening salvo: Every citizen may freely speak, write and publish the person's sentiments on all subjects, being responsible for the abuse of the right, but blah, blah.

I really don't know what that has to do at all with the -- with the proper ordinance.

Q Well, you're familiar with the language of this ordinance, not just because of this action, right, you believe when it had to do with amending the provisions, it said the people who we targeted, and I think it used the word "target", but if not target, a word like target; people that we pass this because of, have filed an action against us --

Q With respect to --

A -- so.

Q Again, I understand what you're saying, but in terms of the text of this, I'm correct in saying that it doesn't mention Westboro Baptist Church, does it?

A No, they generally don't, but yet 43 states and the federal government all passed laws targeting us.

Q Well, let me ask you --

A And many municipalities.

Q You can answer this, you know, to the best of your ability, you're an attorney, and one with far longer experience than I have, and based on the text of this statute, if I decided to go and take my message to Manchester, and did so in violation of this ordinance, this ordinance would apply on its face equally to me as it would to your message, wouldn't it?

A You said on its face.

Q That's correct.

A That's an on-its-face versus an as applied.

Q That's right.

A And so I'm saying on its face, if you're sitting over there and you're thinking this through, you might say that it would, but if you have some experience, like we have, then you would know that when the rubber meets the road, that's not what happens.

Q But the ordinance has never been applied to you, has it?

A Not this one, but that umbilical cord that runs through the State of Missouri, and -- and manifests itself with little key phrases like the Specialist Edward Lee Myers' Law and so forth, that it comes with some stuff.

There was a pro-active effort to stop us, so when you see that language, Specialist Edwards Lee -- Edward Lee Myers' Law, you know that there's been some action going on behind the scenes.

And what that looks like on the ground is that the bikers with their flags and their signs all violate this fully and freely. They're right up in the front yard by the front door, and we, if we're there at all, are in the north 40, so that's just what happens. That's what happens on the ground. That's the as applied part.

Q But, once again, you've never had it applied as to you in Manchester?

A Not this one. But we're not living in a vacuum; this didn't just happen over here in the corner.